

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATTHEW GURWIN,

Plaintiff(s),

CASE NO.: 2:07-CV-10323

vs.

HON. NANCY G. EDMUNDS
MAG. JUDGE STEVEN D. PEPE

UBS FINANCIAL SERVICES, INC.,

Defendant(s).

_____ /

**ORDER GRANTING IN PART PLAINTIFF'S
MOTION TO COMPEL ANSWERS TO DISCOVERY (Dkt #17)**

This case involves Plaintiff contentions that his application to refinance a mortgage on his private residence was denied because of defamatory and untrue statements made by his former employer company, Defendant, UBS Financial Services Inc. Plaintiff submitted discovery requests to Defendant that were objected to in part. Plaintiff has filed a Motion to Compel Answers to Discovery (Dkt. #17) which matter has been referred for hearing and determination.

Plaintiff's counsel seeks the personnel file of John Kulhavi, an employee of the Defendant. On August 14, 2007, Plaintiff counsel was given the opportunity to review the file at Defendant counsel's offices. The inspection revealed certain compensation information that Plaintiff's counsel considers potentially relevant to the case. Plaintiff also seeks the captions of any litigation or administrative agency actions ever filed against Defendant by any current or former employees of Defendant in Michigan.

Following a hearing on this motion on August 22, and for reasons stated on the record
IT IS ORDERED that :

1. Subject to the Protective Order in this case Dkt #15), the parties will enter into a stipulation concerning the facts related to any modification of John Kulhavi's compensation in or about June 2006, including the date the decision was made concerning such a modification, who was involved in that decision and its effective date. To the extent needed to arrive at this stipulation, defense counsel shall make available to Plaintiff's counsel the relevant portions of Mr. Kulhavi's personnel file. If a stipulation cannot be obtained Plaintiff's counsel shall present the reasons why in a letter memorandum to the undersigned who will then determine what portions of the personnel file need be disclosed and if a follow-up hearing is needed..

2. Based on defense counsel's providing Plaintiff's counsel with background information on Mr. Kulhavi's educational background and positions held during his employment with Defendant, no further disclosures from his personnel file are needed.

3. Defendant shall disclose by case name, case number and court or administrative agency, any actions commenced in the last three years by any Michigan employee or former employee of Defendant that involved any alleged wrongdoing by either John Kulhavi or Alvin Spencer.

The parties to this action may object to and seek review of this Order, but are required to file any objections within ten (10) days of service of a copy as provided for in 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b) and LR 72.1(d). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon the Magistrate Judge.

SO ORDERED.

Date: August 23, 2007
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the E.C. system which will send notification of such filing to the following: Jay C. Boger, Frederick D. Elias, Christine R. Essique, Elizabeth P. Hardy, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-EC. participants: not applicable

s/ James P. Peltier
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